

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

JOHN DOE,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 1:16-cv-174
)	
ANN ROE,)	JURY DEMAND
)	
Defendant.)	
)	
)	
)	

COMPLAINT

The Plaintiff, John Doe,¹ seeks recovery of his damages for defamation from the Defendant, Ann Roe, who, having her affections spurned, set out to tarnish John's name.

PARTIES

1. The Plaintiff is John Doe, a student at ^{ABC} University and resident of [REDACTED], [REDACTED].
2. The Defendant is Ann Roe, a student at ^{ABC} University and resident of [REDACTED], [REDACTED].

JURISDICTION & VENUE

3. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because John and Ann are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest.
4. This Court has personal jurisdiction over Ann on the grounds that she resides part-time in Providence and attends ^{ABC} University.

¹ All names in this Complaint are pseudonyms. Plaintiff will file a motion for leave to use pseudonyms upon receipt of the case number.

5. Venue properly lies in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

FACTUAL BACKGROUND

6. Life was good for John in high school in [REDACTED]. His grades were excellent and he dreamed of becoming a [REDACTED].

7. In high school, John worked hard to develop his [REDACTED] skills [REDACTED]
[REDACTED]

8. In the spring of 2013, ABC University offered John admission based on, among other things, his outstanding academic record [REDACTED] [REDACTED]

9. John accepted ABC offer, despite other enviable offers from the University of Chicago and Cornell, because of [REDACTED] [REDACTED] belief that ABC would best position him to gain admission to [REDACTED] school.

10. During his freshman year, John devoted hundreds of hours to practicing, preparing, and developing his [REDACTED] skills, became recognized as one of the most promising freshmen [REDACTED]
[REDACTED] and was selected to [REDACTED] during the spring semester of his freshman year, [REDACTED] [REDACTED]

Kay Stiles

11. On October 24, 2014, John texted Kay Stiles, “thanks for coming out and looking so cute.” Kay responded, “anytime [smiley face].” A casual, friendly relationship ensued.

12. John and Kay discussed [REDACTED], he encouraged her participation, and Kay appeared interested in pursuing a relationship with him.

13. At a [REDACTED] competition [REDACTED] on December 7, 2014, John and Kay sat outside the hotel on a couch under a canopy beside the pool and flirted with each other late into the night.

14. Back at ABC on the evening of December 14, 2014, John and Kay walked to [REDACTED] dining hall arm in arm. As they walked, Kay continued to touch John and keep her arm around him. However, the next day, Kay ignored John's texts and did not reply.

15. Kay was both hot and cold. She apologized to John, admitted to being flirty, but the romance went no further.

Ann Roe

16. Soon after John began texting Kay, he also began texting Ann, and she proved much more receptive to his attention.

17. John first texted Ann at 10:04 am on November 6, 2014. Before 2:00 pm, Ann told John that she lost her virginity at age 15, had once taken her shirt off in public to prove hers were the "the nicest boobs," and yearned for physical contact.

18. John wrote, "The hardest part of freshman year was watching everyone else hookup with people. I'm kinda just waiting for the right girl." Ann responded, "good for you. I'm struggling with that a lot now. I mean I love my boyfriend but part of me just wants to go fuck someone I just met like everyone else is doing xD."

19. Ann followed up: "I know you're not supposed to fuck sleep with your friends but idk it's something Id want to try but who knows if I'll ever get that opportunity xD . . . I've just been really 'frustrated' lately because I haven't seen my boyfriend in like almost 2 months so I'm like dying for some sort of human contact haha. And I'm talking like PIV [penis in vagina] haha."

20. John followed up, “So maaaaybe you’re a little less innocent than I thought . . . Still, it’s just talk.” Ann replied, “You think I’m all talk?” John answered, “Maybe just a little bit.” Ann replied, “Well maybe you’ll see, maybe you won’t!”

21. John and Ann continued texting quite nearly all day long, and their conversation became decidedly more graphic. John and Ann shared sexual fantasies, and Ann described for John in vivid detail what she called “the best blowjob of your life.” Similar exchanges continued over the following days.

22. After this exchange, John did not hide the fact that his interest in Ann was sexual, and though she had a boyfriend in [REDACTED] and said she felt conflicted, Ann continued to text John and engage in sexual banter.

23. Though John offered to back off, John and Ann planned to watch a movie and “cuddle” together on November 10, 2014. John told her “maybe we shouldn’t, because I know I’ll be tempted to make a move.” John repeated, “maybe we shouldn’t hangout until you’re ready.” But, Ann wanted to get together.

24. Ann asked John, “What if you were sure there was no chance I would ever have sex with you? Where would you go from here?” John replied that they would be friends. Ann then asked, “And would you watch a movie with me?” John flatly said, “No.”

25. Around 1:20 in the morning on November 10, 2014, John and Ann met at [REDACTED]. However, they couldn’t gain access to any of the rooms because it was after hours. So, they left and went to [REDACTED], where they decided to watch their movie in a storage room.

26. Within minutes of starting the movie, John told Ann that she looked pretty in her sweatpants. They began to kiss, Ann pushed John on his back and straddled him. John put his

hand over her breast on top of her shirt. Ann continued to kiss John. John began to rub Ann's vagina over her sweatpants, and after receiving verbal consent, reached his hand into Ann's pants. She subsequently pulled her sweatpants down with John's help.

27. After John finished digitally penetrating Ann, she told John that it was her turn. She unzipped John's pants and pulled them down to John's ankles with his help. She then proceeded to give John oral sex.

28. During their encounter, the motion-activated light came on twice. Each time, Ann walked approximately ten feet, turned off the lights, and came back to John.

29. As John neared ejaculation, he asked Ann if he could do so in her mouth. Ann agreed.

30. After John ejaculated, John and Ann sat down, cuddled, and started kissing again.

31. After approximately another ten minutes, John and Ann left the storage room, went out the doors under the arch, gave each other a hug, and said goodbye.

32. John and Ann texted again on November 14, 2014. The [REDACTED] event was coming up [REDACTED] and John told Ann to "[r]emember to pretend like you didn't give me a mind blowing blowjob." She replied, "[o]nly if you remember to pretend you're not imagining fucking the shit out of me" and "no one will suspect how much you want to cum inside me." Ann finished by saying "sounds like we've got a plan [winking smile]." However, John was better at pretending that they were mere acquaintances than Ann expected, and Ann grew impatient.

33. John's texts became short and infrequent. On November 15, 2014, Ann contacted John and asked, "whacha been up to stranger?" John responded that he was busy and couldn't talk. Ann replied, "All righty no problem, we'll catch up later. Night!"

34. The next day, Ann texted John about her [REDACTED] performance and stated, “I wish I could see you in action.”

35. The next day, November 16, Ann texted John and hinted that she would like to get together. However, John replied that he had to get some work done. Ann responded, “All righty . . . Hit me up sometime if you’re bored [winking smile] see ya!”

36. On November 19, 2014, Ann told John that she was having boyfriend trouble and wanted him to cheer her up over the weekend. Upon information and belief, she had actually broken up with her boyfriend because of her feelings for John. John, however, declined.

37. Ann told John that she was “not trying to chase” him, but that he was torturing her and driving her “completely insane.” John told Ann that he had feelings for someone else – Kay, one of her best friends.

38. John asked Ann if she would put in a good word for him with Kay. Ann agreed, but upon information and belief, her conversation with Kay was not what John expected.

The Belated Allegation

39. Ann reported her November 10th encounter with John to Kay as follows:

He literally hit play on the movie and turned my face and went to kiss me and I turned away and he was like no? And I was like I can’t do that im sorry. And he was like can I kiss your cheek (as he was already doing it) and I was like I guess? So then he was like doing shit and he went to kiss me again and I was like fine and just kissed him. And then he was like I bet you wanna fuck me right now and I was like I really can’t do that. And he was like ok so then how about you give me a blowjob and I was like I don’t know. And he was like cmon I know you want to and I was like idkkkkkk and he like convinced me. And I guess I kind of got attached . . . Moral of the story: [John] is an asshole.

40. Kay replied “OMG STOP . . . Like he essentially assaulted U.”

41. On December 26, 2014, Kay suddenly sent John a snapchat of a woman with her middle finger up and the words “fuck you” written across the screen.

42. Subsequently, Ann enrolled John in a variety of online dating sites and began disparaging John [REDACTED] [REDACTED]

43. Ann coaxed another female friend to flirt with John and then rebuff his attention.

44. Ann's conversations with Kay and others painted a picture of her encounter with John increasingly divorced from reality as she adopted Kay's suggestion that the encounter amounted to an assault.

45. On January 22, 2015, Ann texted Kay that she had spoken to someone on [REDACTED] about John and stated, "he can't continue [REDACTED] where he doesn't respect others."

46. A few days later, on January 25, 2015, John texted Ann, "I do owe you an apology for how I treated you before." Ann replied, "Thank you!! Apology accepted, I really appreciate that . . . Im sorry for making the awkwardness worse and signing you up for obscure dating sites . . . I definitely overreacted . . . im sorry, I was upset . . . Does this mean you'll add me back on snapchat now loser!" John said, "perhaps." Ann replied, "Yassss best day everrr."

47. The text message exchange turned to a discussion of Kay. John told Ann that Kay hated him. Ann replied that he was correct, admitted that she was the reason why, and offered to help John get back in her good graces. However, again, Ann did not discuss matters with Kay quite as John expected.

48. When John contacted Kay, she did not respond. Ann told Kay, "you don't need to answer honestly he just makes me nervous." Kay agreed, "he's gonna try to flirt with us again." Ann replied, "I completely agree he's already doing it."

49. Over the following months, Ann continued to pursue John. At times they worked together [REDACTED] [REDACTED] but their relationship remained platonic. John still harbored

feelings for Kay, and Ann continued to disparage John to her and others. In March, John learned of this and stopped communicating with Ann.

50. On [REDACTED], out of the blue, Ann tried to get back on good terms with John and texted him, “Happy Birthday!!” But, John had little to say, and Ann took note.

51. When John announced that he was going to run for a position on the [REDACTED] [REDACTED] board, Ann promptly composed a letter [REDACTED] alleging that John had assaulted her. She wrote:

As you know, [John] and I had a bit of an “encounter” at the beginning of the year. I made a lot of jokes about this because it was my way of dealing with a situation I wasn’t comfortable with. I’m not sure if I ever made clear to you just how not consensual that was. I was manipulated into hanging out with him because he made me feel bad for rejecting him, but he promised we would just be hanging out as friends. He ended up kissing me and more after I repeatedly said no and turned away when he grabbed my face. I eventually let it happen after he wouldn’t give up because I figured that was the easiest way to get it over with.

- - -

but if sexual assault is punishable by expulsion from ABC I think it should at least warrant a talk [REDACTED].

52. John was not elected [REDACTED] [REDACTED] board, and Ann began circulating a petition to remove John [REDACTED] [REDACTED] entirely.

53. In May of 2015, Ann approached the [REDACTED] [REDACTED] board and repeated her accusation that John assaulted her. John insisted that he did nothing wrong and refused to discuss the matter with his teammates. He lost his position [REDACTED] shortly thereafter.

54. Upon information and belief, on October 30, 2015, Ann and Kay met in the cafeteria, [REDACTED] around 6:30 PM and discussed their desire to “get rid” of John. They wanted him off [REDACTED] [REDACTED] and discussed “canvassing other girls on campus” in an effort to gather incriminating evidence against him.

55. On or about November 3, 2015, nearly one year after her intimate encounter with John, Ann filed a complaint against him alleging sexual assault. See Exhibit A. In her complaint, Ann stated:

On November 10, 2014 I got into campus very late due to travel delays. Around 2am, I met [John] at the campus center to watch a movie in a public place. When I arrived at the campus center he brought me back to a secluded room and had his laptop up for the movie. Once he started the movie, he physically grabbed my face to kiss me. I immediately turned my head away to indicate my lack of consent and verbally told him that I don't want to kiss him. This also was meant to confirm that his sexual advances were unwanted. Rather than respecting my wishes, [John] kissed me on the cheek and then asked, "may I?" I was upset and confused, so asked, "may I what?" John then forced his fingers into my vagina to sexually assault me. I froze and did not respond. In my head, all I could think is that I wanted this to be over with, so when he kept kissing me I didn't resist. During the assault he said, "I know you want to fuck me right now." Fearing he would do more to me, I told him I really couldn't as an attempt to avoid him raping me. He replied, "well at least give me a blowjob then." I repeatedly stated that I did not want to and tried to avoid angering him by stating "I really shouldn't" and "I wasn't sure," but I never wanted to and wanted to leave as soon as possible. John kept replying, "I know you want to" and I knew I wasn't going to be able to leave unless it happened. I felt I had no choice to avoid being raped, so submitted to this coercive badgering out of fear and gave him oral sex. At one point, I stopped the oral sex and he said "put my dick back in your mouth." Around 3 a.m., I finally could leave and told him on the way out, that he was the kind of person that makes people do things they don't want to do. He again said, "I know you wanted to" as I was leaving. I then went home in shock and upset about what happened and just wanted to sleep.

56. Ann requested that John "be expelled for his ongoing pattern of sexual harassment against myself and other female members [REDACTED] as well as for his sexual assault against me."

57. ABC engaged [REDACTED] an attorney licensed to practice law in Massachusetts, to investigate Ann's complaint.

58. Ann has claimed that she did not push John's hand away from her breast because she did not want to hurt his feelings.

59. Ann has claimed that she only gave John oral sex because it was the best way to avoid intercourse with him and not feel awkward while watching the movie together.

60. Ann has claimed that she swallowed John's semen because she did not want to leave a mess on the carpeted floor.

61. Though Ann said she went home in shock and upset, the only thing she was upset about was that John did not reciprocate by giving her oral sex. In fact, she told a friend who was staying in her dorm room that night that she "hooked up" with John and gave him a "blowjob." Her friend said Ann was her typical "happy, bubbly" self, left the impression that she wished they had done more, and made the encounter sound "sexy and cool."

62. Though no sexual contact has ever occurred between John and Kay, Ann's allegations led to initiate a sexual misconduct disciplinary action against John on Kay's behalf as well, despite her refusal to file a complaint.

63. Though John has yet to be found responsible for any transgressions, ^{ABC} sought to preliminarily separate John from campus, his dorm, and [REDACTED], with exceptions allowed only for class and exam attendance.

64. At great personal expense and emotional cost, John engaged counsel and went to court seeking injunctive relief. ^{ABC} subsequently agreed to rescind its removal order, but the disciplinary actions remain and have yet to be adjudicated.

COUNT I *Defamation*

65. John re-avers paragraphs 1-64 as if fully set forth in this count.

66. Ann's text to Kay stating that her "hooking up" with John "doesn't even count as consensual" was false.

67. Ann's text to Kay stating that John "literally assaulted me" was false.

68. Ann's email to [REDACTED] in which she alleged that John's actions toward her amounted to "sexual assault" was false.
69. Ann's statement [REDACTED] that her "interaction" with John was "somewhat coercive" was false.
70. Ann's statements [REDACTED] that John coerced her to give him oral sex were false.
71. Ann's May 2015 accusation [REDACTED] board that John assaulted her was false.
72. Ann's November 3, 2015 complaint to ABC University in which she alleged that John coerced her to give him oral sex was false.
73. Ann's November 3, 2015 complaint to ABC University in which she alleged that "[John] then forced his fingers into my vagina to sexually assault me" was false.
74. Ann's accusations are tantamount to accusations of "serious sexual misconduct" or first degree sexual assault, which is a capital offense in the State of Rhode Island.
75. Ann's publication of untrue written statements constitutes *libel per se*.
76. Ann's publication of untrue oral statements constitutes *slander per se*.
77. Ann's accusations tend to degrade John in the community and bring him into public contempt.
78. Ann knew or should reasonably have known that her accusations were false.
79. Ann's accusations were not privileged as she acted out of malice and spite.
80. Ann's statements to Kay and [REDACTED] were not privileged because they had no reciprocal duty.

81. As a result of Ann's false accusations, John's college education, [REDACTED] experience, future [REDACTED] prospects, personal relationships and general reputation have been irreparably damaged.

82. As a result of Ann's false accusations, John has suffered pecuniary and emotional damages.

WHEREFORE, the Plaintiff, John Doe, requests judgment against the Defendant, Ann Roe, for defamation *per se*, his impaired reputation, actual pecuniary losses and expenses including attorney's fees, lost opportunities, and mental anguish, pain and suffering in an amount exceeding \$75,000 to be proven at trial.

JURY DEMAND

The Plaintiff, John Doe, demands a trial by jury on all issues so triable.

Dated: April 12, 2016

The Plaintiff, John Doe,
By his Attorneys,

/s/ J. Richard Ratcliffe
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Complaint of Sexual Misconduct

My name is [REDACTED] and I am currently a sophomore at ABC University and a member of [REDACTED]. The events that I am reporting happened during my freshman year.

~~~~~  
On November 5, 2014 fellow student and member [REDACTED] sent me a text message. I did not know him well at that time and I had not given him my number. [REDACTED] stated he got my number from [REDACTED] and proceeded to be flirtatious by text message with me. I realized his interest and informed him that I already had a boyfriend. He continued to send pushy text messages. I tried to be polite to avoid it becoming an awkward situation given that we were teammates.

On November 7, 2014 his text messages continued, and while I engaged in some banter, they escalated in sexual aggressiveness. Sometimes when that occurred I tried to steer the conversation to non-sexual conversation like politics or [REDACTED] but I eventually had to ask him to refrain because I was uncomfortable with his pushiness. You can see from the exchanged his efforts to keep persisting and even insisting it is what I wanted despite my indication that it was getting scary. When [REDACTED] got the picture that I would not do anything with him, he seemed upset and made me feel like it was my fault for "leading him on," which I felt bad about. He used this to ask me to watch a movie with him and "make it up to him." I agreed to watch a movie but clearly said I would not be interested in having sex and would indicate clearly if I changed my mind. [REDACTED] responded that his intention was still to hook up. We then agreed not to speak given that he wanted more than a friendship. He sent me more texts a few hours later apologizing for his behavior. Looking back now, these messages were part of a cycle of his sexual aggression and sexual harassment, but at the time I tried to indulge some of it while steering it towards a friendship to avoid it becoming awkward between us on trial.

On November 8, 2014 a similar pattern arose and further banter was exchanged between us. On November 9, 2014 it continued again and admittedly we exchange a very sexual conversation during which I discussed a fantasy. When [REDACTED] tried to suggest this fantasy was something I wanted him to do by using "we" and "me" I pointed it out so he would not view it as any type of invitation. Late November 9, 2014, when I was traveling back to Providence [REDACTED] where I had been visiting my boyfriend, [REDACTED] asked me again to hang out and watch a

movie. He suggested a public place, the campus center, so I agreed. During our text exchange he was only suggestive once saying "I'll do more than protect ya" and I tried to address it by asking "What's that suppose to mean!" to ensure he was not going to be sexually aggressive with me. He replied in a non-sexual manner to say he only meant he would keep me safe. I assumed since he was not sexual during this exchange that he would behave himself and respect my initial offer to watch the movie out of friendship only.

On November 10, 2015 I got into campus very late due to travel delays. Around 2am, I met [REDACTED] at the campus center to watch a movie in a public place. When I arrived at the campus center he brought me back to a secluded room and had his laptop up for the movie. Once he started the movie, he physically grabbed my face to kiss me. I immediately turned my head away to indicate my lack of consent and verbally told him that I don't want to kiss him. This also was meant to confirm that his sexual advances were unwanted. Rather than respecting my wishes, [REDACTED] kissed me on the cheek and then asked, "may I?" I was upset and confused, so asked, "may I what?" [REDACTED] then forced his fingers into my vagina to sexually assault me. I froze and did not respond. In my head, all I could think is that I wanted this to be over with, so when he kept kissing me I didn't resist. During the assault he said, "I know you want to fuck me right now." Fearing he would do more to me, I told him I really couldn't as an attempt to avoid him raping me. He replied, "well at least give me a blowjob then." I repeatedly stated that I did not want to and tried to avoid angering him by stating "I really shouldn't" and "I wasn't sure," but I never wanted to and wanted to leave as soon as possible. [REDACTED] kept replying, "I know you want to" and I knew I wasn't going to be able to leave unless it happened. I felt I had no choice to avoid being raped, so submitted to this coercive badgering out of fear and gave him oral sex. At one point, I stopped the oral sex and he said "put my dick back in your mouth." Around 3 a.m., I finally could leave and told him on the way out, that he was the kind of person that makes people do things they don't want to do. He again said, "I know you wanted to" as I was leaving. I then went home in shock and upset about what happened and just wanted to sleep.

After his sexual assault, [REDACTED] mostly avoided me for the next few months though he would send occasional text messages about [REDACTED] [REDACTED]. I tried to act as if we still had a friendship to avoid creating a worse situation between us on the team. In December 2014, he asked me to put in a good word for him so he could hook up with a friend of mine. In January 2015, he sent a text apologizing for how he had treated me. In March 2015, he again sent a text saying I was

giving people a bad impression of him and I'm the reason he can't hook up with anyone. still scares me, he lives close to my home, and I also fear his retaliation whether personally against me or socially against me on our shared team.

~~~~~  
This year, I went to speak with Title IX Coordinator [REDACTED] and reported being sexually assaulted without any additional details. I also spoke with Dean [REDACTED] [REDACTED] and [REDACTED] advocate [REDACTED] to learn about my options given the sexual harassment and sexual assault. Through these efforts, I received a no contact order against [REDACTED] which helped me feel like I could focus on school and not have to continually fear him assaulting me again. I have since had to co-exist with him [REDACTED] [REDACTED] and on campus, but I am realizing his behavior goes beyond my case and he has harassed other female students on campus who likewise have reported him. The following is a third party report regarding his harassment of others:

- [REDACTED], another member [REDACTED] [REDACTED] during her first semester of freshman year. He was the [REDACTED] and without [REDACTED] giving him her phone number, he continuously sent her text messages asking her on dates and suggesting a relationship after she told him she was not interested. This did not stop even after the [REDACTED] Board warned him about his behavior. He eventually began calling her in the middle of the night and scolding her for not answering when he saw her in person. At one point, she reported to me that he approached her at a party and demanded to know about a "boyfriend." When she asked him to leave her alone, [REDACTED] began shouting and mocking the fact that she and I had approached the [REDACTED] Board for help with the situation. He also sent her a photograph of a boy she had been involved with. [REDACTED] did not tell [REDACTED] about this boy and did not know how [REDACTED] knew they had been involved; the boy also clearly did not know that a photo was being taken of him, as he was not looking at the camera. She reported [REDACTED] around the same time as me to likewise receive a No Contact Order against him, but he has violated it within 24 hours by approaching her three separate times at a public sporting event. He has since been found responsible by ABC [REDACTED] for retaliation and harassment for this conduct and is on probation until May 31, 2016 as a result of this violation.

- A sophomore transfer student,¹ reported that [REDACTED] has repeatedly asked her out after she has told him she was not interested. According to her, [REDACTED] has knocked on her

¹ The student has requested I not provide her name, however, I am willing to do so if she can be promised confidentiality in reporting the situation to ABC [REDACTED] There are unique safety concerns given her currently proximity to [REDACTED] in her current student housing.

door multiple times in the middle of the night, sometimes clearly intoxicated, and asked to come in. The last time she let him in her room, he asked to cuddle, and she said no. He then got in the bed with her anyway and began touching her butt without her permission. At that point, she kicked him out of her room and began avoiding him. She wants to report, but is scared of him since he lives near her and has escalated his sexual aggression.

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Through submitting these written reports of sexual assault and sexual harassment involving I formally am filing a complaint under Title IX with ABC so it can investigate and bring all appropriate against him. should be expelled for his ongoing pattern of sexual harassment against myself and other female members of the team, as well as for his sexual assault against me. No student at ABC should not have to endure this kind of behavior. I truly feel he is dangerous and will continually harm other women unless formal action is taken against him.